

IN THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA, HARRISBURG DIVISION

Emanuel T. Newman,
Plaintiff,

-Vs-

Ronald L. Jury., S.I.S. et al.,
Defendants,

Case no. 01-CV-0677

(Judge, Conner)

FILED

MAR 31 2004

PER
HARRISBURG, PA DEPUTY CLERK

PLAINTIFF'S MOTION TO MODIFY / RESTRICT THE USE
OF PEREMPTORY CHALLENGES


Comes Now, Emanuel T. Newman plaintiff (hereinafter Newman) and moves this court for an order restricting the use of peremptory challenges by both parties to this law suit.

Because, the citizen population of the area around the city of Harrisburg, Pennsylvania includes numerous African Americans, this plaintiff request that the court order defendants attorney not to use the majority of their peremptory challenges to exclude African Americans from jury service during this trial.

It is a known fact that because of the number of African Americans incarcerated in the United States, that their friends and family members are likely to be called for jury service, more so than that of the majority population. For this reason the attorney for the defendants might go out of his or her way to use their peremptory challenges to exclude African Americans from the trial jury in this case.

Secondly, because there are two defendant in this case and each defendant is allowed a certain number of peremptory challenges. Newman moves this court to allow him to have the same number of peremptory challenges as that of the defendants or to restrict the number of challenges the defendants have to the same that Newman is allowed to have. See *Goldstein v. Keller*, 728 F.2d 32, 37 (1st.Cir.1984)(granting an equal number of challenges was an abuse of discretion). Also see, *Massey Ferguson v. Fedorchick*, 577 F.2d 856, 858 (3rd.Cir.1978).

Furhtermore, this motion is made in good faith so as to maintain the protections of the constitutional rights of both parties to this action.

Respectfully submitted by, 
Emanuel T. Newman
13418-039

Date: March 23, 2004.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Emanuel Thomas Newman,

Vs.

Ronald L. Jury, et al,

Civil no. 1:CV-01-0677

CERTIFICATE OF SERVICE

I, Emanuel Thomas Newman, pursuant to title 28 U.S.C. § 1746, do hereby upon my oath state that I have served all parties to this civil action via the United States Mail Service, of copies of the attached documents.

This 23 day of March, 2004.

By, 

Emanuel Thomas Newman

Copies to: U.S. Attorney
316 Federal Building
240 West Third Street
Williamsport, Pa 17703

U.S. DISTRICT COURT
CLERK OF THE COURT
228 VALLEY STREET
HARRISBURG, PA 17101*
17108